IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : DATE FILED:

v. : CRIMINAL NO. 07 - _____

TROY S. DAMIANO, : VIOLATION: 21 U.S.C. § 846

a/k/a "Melvin Goodman" (conspiracy to possess with intent to

: distribute heroin - 1 count

21 U.S.C. § 841(a)(1)

: (possession with intent to distribute

heroin - 1 count)

: 21 U.S.C. § 853

(criminal forfeiture)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

From on or about April 1, 2006 through on or about April 26, 2006, in
 Reading, in the Eastern District of Pennsylvania, defendant

TROY S. DAMIANO, a/k/a "Melvin Goodman,"

conspired and agreed with others known and unknown to the grand jury, to knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

MANNER AND MEANS OF THE CONSPIRACY

It was part of the conspiracy that:

- 2. Defendant TROY S. DAMIANO, using the alias of "Melvin Goodman," agreed to receive a package containing heroin, which was sent from Bogota, Colombia.
- 3. Defendant TROY S. DAMIANO made arrangements with person #1 in Reading, Pennsylvania, known to the grand jury (person #1), to use her address to receive the package containing the heroin.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its objects, the following overt acts, among others, were performed by defendant TROY S. DAMIANO and others known and unknown to the grand jury, in the Eastern District of Pennsylvania and elsewhere:

- 1. In or about early April 2006, defendant TROY S. DAMIANO met with person #1 in Reading, Pennsylvania for the purpose of having a package sent to her address.

 Defendant DAMIANO told person #1 that the package would be coming from Bogota, Colombia and would be addressed to a "Melvin Goodman" and that he would pay her \$1,000 if she agreed to accept the package.
- 2. In or about the week of April 24, 2006, defendant TROY S. DAMIANO told person #1 that the package would be delivered one day during that week.
- 3. On or about April 26, 2006, in accordance with the previous arrangements defendant TROY S. DAMIANO caused a package to be delivered to person #1 in Reading, Pennsylvania, which had a return address from Bogota, Colombia and was addressed to "Melvin Goodman."

- 4. Defendant TROY S. DAMIANO agreed to pick up the package at person #1s house.
- 5. Defendant TROY S. DAMIANO went to person #1's house and took possession of the package containing approximately 36.9 grams of heroin concealed among Polaroid photographs.

In violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 26, 2006, in Reading, in the Eastern District of Pennsylvania, defendant

TROY S. DAMIANO, a/k/a "Melvin Goodman,"

knowingly and intentionally possessed with intent to distribute a mixture and substance containing a detectable amount of heroin, that is, approximately 36.9 grams of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841 as set forth in Counts One and Two of this indictment, defendant

TROY S. DAMIANO

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, the following property:

- All property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of such violation.
- All property of the defendant which was used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, these violations.
- 2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of **TROY S. DAMIANO**:
 - a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek, up to the value of the above forfeitable property, forfeiture of any other property of the defendant.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN United States Attorney